

KENTUCKY GAZETTE

NUMBER 16.]

Saturday, December 31, 1796.

[VOLUME X.

LEXINGTON:—PRINTED BY J. BRADFORD, ON MAIN STREET, WHERE SUBSCRIPTIONS ARE RECEIVED A 15th PER ANNUM.

To the Public.

FROM a received opinion that the different Departments in the General Government, now are, or shortly may be filled with men, whose political sentiments differ materially from those who lately filled them, it may be presumed, that an entire new system of policy may be adopted, or at least a material change made in the present: In either case, Citizens of every description, must feel themselves deeply interested. As there is no other possible method by which the people at large can, at this remote distance, be made acquainted with such proceedings in the different Departments, as will enable them to form a right judgment of the general political system, but through the medium of the press; and as the present plan of the News-Papers published in this State is too contracted, completely to answer to defensible an end, as well as the ordinary purposes of a Newspaper, the Editor submits the following

PROPOSALS

- For Publishing the KENTUCKY GAZETTE twice a week:
1. That this Paper be published every Wednesday and Saturday, from and after the first day of January next.
 2. That the price per annum to Subscribers, be THREE DOLLARS and a HALF; one half to be paid at the time of subscribing, and the balance at the end of the year.

As the existence of a News-Paper depends entirely on the patronage of the public; it would be improper to attempt any material change in one already established, without first obtaining their approbation; wherefore, the Editor requests all those who are subscribers to the KENTUCKY GAZETTE on the present plan, and who disapprove of the above alterations to signify their disapprobation before the time it is intended to take effect; such as are silent, will be considered as according to the proposals, and consequently their papers continued.

The public's humble servant,

JOHN BRADFORD.

November 19, 1796.

NICHOLAS BRIGHT,
BOOT & SHOE
MANUFACTURER.

RETURNS his thanks to his friends and customers for their past favors, and hopes your attention to business to merit them in future. He begs leave to inform the public in general, that he has removed his shop, (some time since) on Croft's street, at the lower end of Col Hart's rope walk—where he continues to carry on the above business in all its branches. He has received from the Legislature, an assortment of the best leather, and has as good workmen as any in the United States. Ladies may have silk, stuff, or leather shoes, as near as any made in Philadelphia.

He wants five or six Women's workmen, to whom good wages will be given.

Lexington, October 1.

LAND For Sale.

THE SUBSCRIBER
HAS several tracts of Land in different parts of Kentucky, for sale, which he will dispose of reasonably.

JOHN CLAY.
Lexington, 4th August, 1796.

NOTICE.

THE Subscriber once more earnestly requests all who are indebted to him either by bond, note, or book account, to come forward and settle up their respective balances, by the first day of January next. Those who do not avail themselves of this notice, may expect no further indulgence; as I am determined to have all standing accounts settled by that time, without respect to persons.

GEO. TEGARDEN.
December 2, 1796.

FOR SALE.

THE HOUSE & LOT whereon I now live, on Limestone street, in the town of Lexington: the lot is forty feet front and sixty-six feet back; the house is twenty-four feet front and twenty-six feet back, built of square stone one story high. Also, a shed fifteen feet wide and twenty feet back, with two good fire places in it. Par-cash, and very good, or other property, will be taken in payment. For terms apply to

WILLIAM ROSS.

TO BE SOLD, FOR READY CASH,

A VALUABLE young Negro Woman, about five or six years of age, well acquainted with house business. Also a Boy of good quality, about twelve years of age—both lively and under good character. For terms apply to

WILLIAM ROSS.
Lexington, December 17, 1796.

CHEAP GOODS.

THE subscriber willing to decline the mercantile business for some time, will dispose of a **MERCHANDISE** by Wholesale. On a very moderate profit. The goods were purchased on an advantageous term as any ever imported to this state, and are well adapted to the winter and spring seasons. A credit will be given for part of the purchase money. Balance, for Hops, or for other flour, will be received in payment at the slightest current price when delivered. He wishes to purchase a quantity of corn, rye, barley, hemp, and tow linen. Either of the above articles will be received in discharge of book accounts.

JAMES MORRISON.

Who has on hand a quantity of castings, powder, and salt petre.

Lexington, December 3.

N. B. Wanted to purchase, continental bounty warrants, better known by the name of Knox's warrants. These persons who were on the continental establishment, and served during the war with Britain, may be of service to their advantage, by applying to the subscriber.

J. M.

This is to inform my friends, and the public in general, that I have just opened

A. S. GORD.

In Lexington, where I formerly kept Saddle's shop, at the corner of Main and Croft's streets

A handsome assortment of Dry Goods, and Hard Ware—amongst which are a few sets of Saddle's and Saddle's tools complete. A most elegant assortment of Milner's work, such as Bonnets, Hats, Caps, Featherers, and a number of other valuable pieces of Ornament for Ladies. Together with a few lady's Watens, Chaus, and Gold Ear Rings; all of the newest fashion.

ALSO

A large and general assortment of

Amongst which is the following Patent Medicine (to wit):

Caloff, Sweet, and British oil.
Goldrey's cordial.
Batemans' drops.
Turpin's tincture of life.
Albion's pills.

Madder Allum, Whiting, Ink-Powder, and a quantity of excellent Spunges; together with a number of other articles too tedious to mention. All of which will be disposed of at wholesale or retail, by the public's most obedient and humble servant.

ALSO
I have some valuable tracts of Land in different parts of this State; as well as upwards of one hundred tons of coal, in the town of Richmond, which is well known to be of the first quality. Any gentleman inclined to purchase, may be furnished on the most reasonable terms, and on equal indubitable; which may be seen, by applying as above.

FOR SALE,

THAT large and commodious House, on Main street, formerly occupied by Melville & Nelson, and at present by Melville, Sonnet & Co. is an advantageous situation for public servants, to dwell in, and it is a good recommendation. For terms apply to the subscribers, who are authorized to sell and convey the same.

THOMAS IRWIN,

JOHN A. SELTZ.

LEXINGTON, SEPTEMBER 1.

FOR SALE,

ONE HUNDRED AND FORTY ACRES OF

LAND.

SITUATE in the forks of Elk Horn, about three miles from Nathaniel Sanders's Mill and seven from Frankfort, the whole of its full size, with good improvements, to wit: two good beaver log houses, besides several other out houses, about twenty-five acres cleared, all under good fence, a small meadow, and a quantity more with little trouble and small expense may be converted into excellent meadows; also, an excellent young peach orchard, containing upwards of three hundred trees; an excellent never failing spring, which runs thro' the field land. A general warranty deed will be given for said land. The terms will be made known by applying to Enos's, Fenwick in Lexington, or to me on the premises.

WILLIAM ROBERTS.

NOTICE

To all whom it may concern—

That on Wednesday, the 25th of January next, if fair, if not the next fair day, I shall attend myself, or by attorney, with commissioners appointed by the county court of Shelby, at the improvement called for by James Elliott's settlement on the fourth side of Kentucky river, on a run that falls into said river, next above the mouth of Cedar creek, there to take the depositions of witnesses to perpetuate testimony respecting the calls of said entry, and to do all other acts as are authorized by law, on the premises.

JOHN CAMPBELL, Esq. of the last will and testament of James Elliott deceased.

PRIVATE EXERCISES FOR MAN AND HORSE, ON Main street, next door to Doctor Lowmyer's, by WILLIAM ALLEN.

CHEAP LANDS

The subscriber has for sale the following Tracts, viz.

FIVE hundred acres, part of that noted tract called Floyd's Woodcock tract, within eight miles of Lexington and seven from the Kentucky river, in the center of which is a never failing spring.

An undivided moiety of two thousand acres, situate on the waters of Bullion creek, within six miles of Shelbyville; it is well watered, and the main road from Louisville to Shelbyville runs through it.

Five hundred acres, situated on the Hanging fork, within six miles of the late government's one hundred and twenty acres of which it is well cleared; on it is a peach orchard of six hundred trees, that has made four hundred gallons of brandy in one year and there is every appearance of a facility of fruit to make five hundred bushels in an apple orchard of four hundred and twenty trees, and a choice collection of cherry trees; together with twenty-five thousand well burnt brick, and a good frame for a house. The above farm rents this year for two hundred dollars.

We will sell the above property **VERY LOW**, as we are in want of money, and will give a good and sufficient title.

AB. AH & JOHN W. HUNT.

For Sale,

SIX THOUSAND ACRES OF LAND,

ENTERED for maj. John Mobly, dec. and patented in the name of Littleberry Mobly by him at law of said John Mobly living on main Licking being part of ten thousand acres, beginning at one hundred poles above the mouth of a creek that runs into main Licking on the north east side, about four miles below the fourth pole of Bucking, and extending down Licking in ten furlongs. It is unnecessary to describe the land as the purchaser will be disposed to make the necessary and proper payments to his missing any proposals. The title is supported by those who have heretofore examined it to be unquestionable. Upon paying part of the purchase money, a reasonable credit will be given for the balance.

James Brown, Atty. in fact

For Littleberry Mobly, jun.

Lexington, June 15, 1796.

No. 11. I will also dispose of any other Lands in Kentucky claimed by said Mobly.

THE partnership of M. COLE & CO. is this day dissolved by mutual consent. All persons indebted to them, are requested to make immediate payment of their respective accounts, as no further indulgence can now be given. The books are in the hands of James M'COON.

A STORE will be continued by the subscriber, in the house lately occupied by M'COON and Castleman, where he means to sell on low terms.

JAMES M'COON.

Lexington, August 13, 1796.

NOTICE.

ALL persons having demands against John M'COON, dec. or either for money due to them, or for contracts payable in lands, are requested to transmit to the subscriber a copy of their demands or contracts. All who are indebted to said John M'COON, either for money due to him, or for contracts for lands, or for lands in the state of Kentucky, are requested to make payment, and to perform their specific contracts immediately. The said deceased has by his last will and testament, subjected his lands to the payment of his debts, and the subscriber will make it the first object of his administration to provide for the same, with as much dispatch as the nature and circumstances of the estate will admit of. And whereas the said John M'COON, in a premature death, by the hands of the Indians on his passage down the river Ohio, many papers and documents relating to his estate, and to the business of the deceased, in the western country, and he will thankfully receive any communications; which gentlemen acquainted with the concerns of the deceased, may think proper to make.

I have appointed Mr. Thomas Carnell my agent in Kentucky to receive and forward all communications of that date, alluded to above. As the want of a legal representative since the death of Mr. M'COON has obstructed all operations relative to his transactions, and no doubt to the injury of many, I now intend that all persons concerned may bring forward their business immediately.

DAVID ROSS, Administrator.

Richmond, January 22, 1796.

P. S. Letters directed to me in Lexington upon the aforesaid business (postage paid) shall be attended to by

THO. CARNEAL.

FOR SALE

ONE thousand acres of the late General Stephen's military survey of LANDS on Hickman, about ten miles from Lexington, and adjoining that part on which General Lawton now lives. For terms apply to Thomas Hart and Cornelius Beatty of said town who are empowered to dispose of the same.

I HAVE FOR SALE, ABOUT

320 Acres of LAND,

LYING on Shannon's run, near Parker's mill, in the county of Fayette, being part of Angus McDonald's military survey. This tract is well watered as any in the state, and is bounded by a number of excellent and never failing springs; between 50 and 60 acres cleared; about 8 acres whereof is beautiful meadow; title indisputable. Maj. Strenthly, who lives near this tract, will show the premises. A general warranty will be made to the purchaser, who may know the terms on application to Peyton Short, of Woodford, who is authorized to dispose of the same, or the subscriber.

THOMAS CARNEAL.

FRESH GOODS

Alex. & James Parker,

HAVE just imported and now opening at their Store in Lexington, opposite the Court House, a large and splendid assortment of well chosen MERCHANDISE, suited to the present season, which they will sell on very moderate terms for CASH and HILLS.

May 27, 1796.

STRAID

FROM the plantation of Mr. George Trotter, near, one mile from Lexington, a light colored foal, born March 8, out five feet high, 12 years old, black face, white hind feet and legs as high as the knee, a long switch tail, light mane, his mane and tail of a light colour, a natural trot. Whoever takes up said foal, and delivers him at the store of Col. T. Trotter, shall have TEN DOLLARS, and all reasonable charges paid by

ALEX. SCOTT.

Sept. 12.

FOR SALE, A BEAUTIFUL SITUATION OF

First qualified Land.

CONTAINING three hundred and thirty acres, on main Elk Horn, four miles from the mouth thereof, where the water of the Kentucky river, and six miles from Frankfort, the land is level and lies exceeding well for farming and meadow; there is thirty-acre cleared and under good fence; several very good cabins a good spring, and a valuable mill race, likewise abundance of excellent timber of different kinds, and the range equal to any in the district—a good title will be given by the subscribers living on the premises in Frankland county.

JOSEF FEEDWICK.

July 22, 1796.

FOR SALE,

The following Tracts of LAND, the property of

Capt. Thomas Bedford, (to wit):

8000 ACRES on the waters

of State and Flat cranks, near the Iron Works,

entered and patented in the name of William Davis, also

1200 acres on the north fork of Licking, in

Maion county, half of Samuel Henry's 4200-acre

survey. And

500 acres Nelson county, on Aher's creek,

in the name of John Benardott.

The above lands will be sold low for cash, or exchanged on advantageous terms for Military lands on Green river, or for good lands, conveniently situated in the Cumberland country. The purchaser will apply to the subscriber, living in Scott county.

Wm. HENRY, Agent

August 3, 1796. For said Bedford.

NOTICE.

I AM instructed by Doctor Tennant of Virginia, to sell 300 acres of his **MILLER'S CLAIM** situate on Ohio, 14 miles above Louisville. The LAND is an immense tract, well watered; and the title will be secured by a general warranty. For terms apply to me in Lexington, either personally or by letter.

JOHN WATKINS, Junr.

GEORGE ADAMS,

RESPECTFULLY informs his

Friends and the public in general, that he has opened a Tavern, in that commodious house on Main street the third door below Croft's street, where those who please to favor him with their custom, shall meet with every possible attention.

NOTICE.

WHEREAS on the 28th of November last I gave my note to a certain Robert Pierce of Bourbon county, for \$120.00, due to me on the 1st of May next, in full for part of a horse that I bought of said Pierce, and I can prove that said Pierce did warrant said horse to me for a good sound well limbed horse, of any description whatever, and I can prove that said horse is not sound, nor has not been for sometime, and I therefore do caution all persons from trading, or taking any obligation on said note, as I am determined not to pay the same unless I am completely satisfied.

JOHN TILLIT, Junr.

THE KENTUCKY ALMANAC,

For the Year 1797.

May be had at this Office, by the groat, dozen, or single.

Blank Bonds for sale at this Office.

Price.

Mr. Bradford:

HAVING in my last attempted to show that an inhabitant of Virginia, or a citizen of Kentucky, have of common right, under the common law of England, and certain statutes in aid thereof; the privilege of levying a FINE on land, and, of barring all other claimants (infants &c. excepted) who do not within five years step forward and assert their rights, in a court of justice; I now proceed, briefly, to examine every act of the Virginia legislature where fines are mentioned, to discover whether that right has been taken away.

After a most careful examination of the Virginia acts of assembly made from the year 1661 to 1758, and from 1758 to the time of our separation from that state, I can find no law, or part of any law expressly made on this subject. I confess indeed, I am so far ignorant of the judicial history of Virginia, as not to know whether she has been instances of fines being levied on fee simple estates or not; but this I know, and do assert, (as a lawyer) that whether such a mode of conveyance was practised there or not, is of no signification, because, no lapse of time, no *time misse, non usu* or neglect; can take away from the citizens of this commonwealth, any privilege, which they, of common right are entitled to, and which is not expressly taken from them by existing laws. The doctrine which Blackstone (Vol. 1. p. 227) applies to the prerogative of the crown, may I think with more propriety be applied here; that the powers vested in the legislature by the people, we are intended to be so much, as necessary for the support of society, and not to encroach any farther on our natural liberties, than it is expedient for the support of ourselves. If then, every man had a natural right (as without doubt he had) before the formation of civil society, to occupy and enjoy any proportion of land, necessary for his convenience and support, which was not occupied by another; and if this right extended even to exclude a prior occupant who had forsaken the place; so, after the formation of civil society, if those who have been entitled to regulate and maintain our civil rights have not yet *enriched* farther on this natural right, than only to chalk out a particular mode of giving notice to the former occupant to remove and claim his prior right; it only *pollutes* the natural right, for the benefit of civil society; and, the protection of separate property. The natural right has never ceased to exist, for no sooner is the notice given and the time elapsed, than it flows in with more beauty and strength, by its having been restrained, and kept back, for the sake of the public good.

But, sir, although I can find no act of the Virginia assembly, expressly made on the subject, yet there are several wherein fines are mentioned, and which, in my opinion authorize and encourage them. An act passed 3 Ann. (cap. 13. sec. 4 runs thus, "No estate in fee, fee simple or special, or in any lands, tenements, or hereditaments, shall be cut off, avoided or defeated, by *buying* any fine, or suffering any recovery, or by any ways or means whatsoever, except only by an act of assembly," &c. This clause evidently extends no further, than to estates-tail, and not to estates in fee simple, and while it debars every person from levying a fine to cut off entails, it strongly implies they may be levied on estates held in fee. But by examining further we shall find ourselves on better ground than what arises from mere implication. The next section goes on thus: "Every fine, recovery, or other act and thing whatsoever, levied, suffered, made, performed or executed for cutting off, avoiding or defeating any estate or estate whatsoever, or her life by act of assembly as aforesaid, shall be to all intents and purposes, null and void, any law, custom, or usage notwithstanding." By this section I am led to understand, that previous to the passing of this law, fines and recoveries had been in use (as in England they are to this day, in order to cut off entails). Fines indeed, are more properly used for estates held in fee, and recoveries for estates tail, yet, fines are used to effect the end intended, by a recovery as a greater power will always perform that which

is capable to be accomplished by the latter. Fines therefore, so far as they had been used towards cutting off entails, were prohibited by this law, but no further. What reason the legislature of Virginia had for extending this peculiar protection to entails, I shall not now enquire into, but after a few years, we find such protection continued to such as they thought too trifling for legislative interference, and are sent back to meet a similar fate, which before the passing of the law, they were liable to; for by an act 8 Geo. II. Cap. 6. Sec. 6. and which I only extract, viz. in order to throw the light in which fines were viewed by the legislature of Virginia. It runs thus: "Any person seized in fee tail, general or special, of or in any lands, tenements, or hereditaments, not exceeding the value of £200 sterling, and no being parcel of, or contiguous to other entailed lands of the same party, may sue on a writ from the secretary's office, in the nature of an *ad quod damnum*, to the sheriff of the county where such entailed lands lie, commanding him to enquire, by the oath of good and lawful men of his county, of the value of such lands, and whether they be parcel of, or contiguous to other entailed lands as aforesaid; and such sheriff shall return his inquisition to the said office; and if the land shall be found not to exceed the value as aforesaid, and to be a separate parcel as aforesaid then a deed of bargain and sale, reciting the title, and such inquisition, wherein a valuable consideration shall be expressed, and *bona fide* paid, acknowledged, or proved, by three witnesses before the general court, within eight months after the date thereof, shall be sufficient in law, to pass the fee simple estate to the purchaser; and the right of the issue of the vendor or reversion, shall be barred in the same manner as the same estate might be barred by *fine* or *recovery*, according to the laws of England." Here, sir, you will perceive, that whatever was the practice in Virginia, respecting fines, the assembly has expressly declared, that fines *might be levied*, according to the laws of England, but another act, made indeed, previous to the last above mentioned, will place the meaning and views of the Virginia legislature on the doctrine of fines when applied to fee simple estates, in a stronger light, for in an Act (1770) Cap. 15, Sec. 2 it is enacted, "That any conveyance in writing, indented and sealed by husband and wife, and by them personally acknowledged in the general court, (the wife being first privately examined whether she doth voluntarily consent thereto) is and shall be as valid in law to convey all the estate and title which such wife may or shall have in any lands, tenements or hereditaments, to be conveyed, whether in right of dower, fee simple or any other estate, (not being fee tail) as if done by *fine* and *recovery*, or any other way, or means whatsoever."

If there is any law which in Virginia exists, and takes away the right that every man naturally has, who is in possession of a *claim* to levy a fine on his land, I would thank any person to point it out, for if there is, I cannot find it. I am, sir, to endeavor to weaken the compact made with the State of Virginia; or that the rights and interests of lands within this state, derived from the laws of Virginia, should be determined any other way, than by the laws which *existed* in Virginia, at the time of our separation; no one who has attended to what I have said in my several publications, can, without ill nature indeed, force too dark a construction. I know,—I feel the subject as a delicate one,—I wish and that sincerely too, that some other, of more professional knowledge, had condescended to have taken some notice of the queries,—and now rather than hastily pursue the subject, will again wait,—perhaps others may place it in different lights.—I shall think them *most* heartily,—but whether they do or not, I promise in some of your future publications to finish, as well as I am able, what I at first proposed and offered for public discussion.

It is natural to ask, how comes it about, that such a method of proceeding, if lawful has not been before thought of, and followed by us? To this, I can give no satisfactory answer. In England nothing is more common. In Virginia, if it was not generally adopted in the practice, perhaps the

nature of their estates or rights did not call aloud, (as ours do) for so natural, speedy, and simple a remedy; or perhaps, for want of its being in common practice, the lawyers themselves did not chide to intermeddle, and at length, the right thereof was overlooked or forgotten. For, permit me first, to observe, (and while the observation is made with candor, good nature, and truth, need not be afraid to observe) that LAWYERS, though they may hold their heads *little* higher, are no less like milk-horses than other folks. Every man has his round of employ. The lawyer *too*, and with difficulty he steps from the best track. It is not long since I met with one, eminent in the profession, and who at first view, could not distinguish between the nature of a fine and a common recovery; when the distinction was drawn before him, he calmly and readily perceived it, but with respect to the subject matter on which I have now employed your attention, the antiquity, nature, and *effect* of a fine, or, (as shall be hereafter shown) how far such a mode of proceeding, if followed, would be serviceable in the distressed situation of this our country, respecting its lands. I say, sir, as to these matters, he had never turned his head, to the right or left.

I am sir,

Yours &c.

CAMILLUS.

STATE OF KENTUCKY.

The following bill will be taken upon the meeting of the Legislature of this State, in February next.

A Bill for encouraging, and granting relief to settlers.

§ 1. Be it enacted by the general assembly, that every free person above the age of twenty-one years, who shall actually enter him or herself on any land within this state, on the South side of Green River, on or before the first Monday in November 1797, and actually residing thereon at that time, which shall not have been previously taken by a military or other warrant, or specially granted to any person, shall be entitled to two hundred acres of land to include his or her improvements; not less than one hundred, unless confined by prior claims.

Provided, however, that no person shall obtain a certificate for any settlement made on the lands ceded by congress to any tribe of Indians.

§ 2. Any person who shall be entitled to a settlement agreeably to this act, shall lay in their claims before the commissioners herein after appointed, when sitting for that purpose, describing the bounds of his or her land; and have here his or her witnesses, to prove their right to said settlement; and no claim shall be more than twice its length in breadth, unless confined by prior rights.

§ 3. There shall be paid by every person to whom a settlement shall be granted, into the treasury of this state for each hundred acres of land

And every person obtaining a settlement, who shall fail or neglect to pay the same accordingly into the treasury, and take the treasurer's receipt therefor, and lodge the same with the auditor and take his receipt from the same, within twelve months from the date of his or her certificate, and his or her land shall be forfeited to the state, and to be liable to be disposed of in any manner the legislature may think proper.

§ 4. Each settler obtaining a certificate agreeable to this act, shall enter the same with the surveyor of the county in which the land lies, and shall have the same surveyed, and return a plat and certificate of such survey to the register of the land office of this state within twelve months from the time of obtaining such certificate, and the register shall den and the usual fees, and issue a grant as in other cases. *Provided*, however, that a patent shall not issue, until the claimant shall produce to the register the auditor's receipt for the payment of the money for such claim into the treasury. Any surveyor with whom an entry is made on any claim granted by this act, shall cause the same to be entered in a well bound book, provided for that purpose, and shall file the commissioners certificate as his voucher.

§ 5. And for the purpose of ascertaining who shall be entitled to a settlement as aforesaid, there shall be appointed by the governor, three persons, who shall be styled commissioners,

who, or any two of them, shall have power and authority to hear and determine the right of persons to settlements, agreeable to this act, at courts to be holden by them at the following places, viz. at the court-house in Logan county, on the day of _____, and at the court-house in _____, on the day of _____, and continue by adjournment.

And at each place, if the business depending before them shall require it, and the said commissioners shall have power to compel the attendance of witnesses, and examine them touching any thing material to the matter in question, and shall have power to hear and determine all disputes between settlers during their sitting, who claim under this act, and to award costs on the decision of any such contest, as to them shall seem right, and their decision shall be final and without appeal; and in all disputes between settlers respecting the priority of settlement, the improvement first made shall have the preference; but no person shall obtain a certificate for more than one improvement.

§ 6. The said commissioners shall appoint a clerk, whose duty it shall be to make out a certificate to each person to whom a claim shall be hereby granted, describing particularly the boundary of said person's claim agreeably to its location handed in to the court by such person; which certificate shall be signed by the commissioners; and the said clerk shall enter the locations in a book or books to be provided by him for that purpose; and such book or books after being signed by the commissioners, shall be to be lodged in the register's office, and shall be admitted as testimony, or a copy thereof attested by the register, in any future disputes between settlers.

§ 7. The surveyors of the counties including any part of the boundary on the South side of Green River, known by the name of the military boundary, shall immediately apply to the surveyors of the Virginia state and continental lines existing in this state, for a copy of all the entries in their respective offices, made on military warrants in the boundary aforesaid; and the surveyors of the said lines shall give to the surveyors of the counties aforesaid, a copy of all such entries which shall be from the passage of this act, and may demand and receive from the surveyors to whom they deliver the same, for each entry, to be paid by said surveyors and the surveyors of the counties aforesaid, receiving such entries, shall enter the same in well bound books, to be provided by them for that purpose, and demand and receive the same fees for copies of entries and other services, as are now allowed by law.

§ 8. And for the purpose of paying the said commissioners, the clerk, and for books and paper, there shall be by each person to whom a claim is granted paid to the clerk, before he receives his certificate, one dollar to be disposed of as hereafter directed. And the sheriff of the county in which the said commissions are herein directed to sit, shall attend by himself or deputy, to perform to them the necessary duties of his office; and he shall be entitled to receive the usual fees for any services he may perform, to be paid by the party requiring the same, exclusive of six shillings per day, which he shall receive for his attendance on the said court, to be paid by the clerk out of the tax a lying on certificates granted by this act.

§ 9. And each commissioner shall receive for his services twelve shillings per day, and the clerk twelve shillings travelling to attending, and returning from said courts; and the said clerk shall be moreover entitled to one shilling for each certificate for a settlement as aforesaid. And one shilling for entering the same in a book. And the clerk after paying the sheriff and commissioners, and retaking as much money as will pay for books and paper, shall pay the balance, if any, into the treasury, and take the treasurer's receipt therefor, which shall be lodged with the auditor.

§ 10. Any person who obtained a right of settlement agreeable to an act passed at the last session of assembly, entitled "An act for the relief of the settlers on the South side of Green River" and have failed to pay the amount thereof into the treasury agreeable to the said act, shall have until _____ to pay the same, without forfeiture of his or her land, and shall pay five per centum interest thereon until paid.

§ 1. and any person who obtained a certificate for a right in a fee simple estate, and who had obtained a certificate from the surveyor, within the time limited by the said act, shall have the right to enter the same in the surveyor's office, and shall proceed to complete his or her title, as is required by the act aforesaid.

§ 2. And when any person through mistake, may have settled on a military claim, and shall have obtained a certificate from the commissioners for such settlement, in conformity to the said received act, it shall be lawful for such person, at any time on or before the 1st day of January, 1866, to remove him or herself, and settle on any vacant and unappropriated land within this State, and shall make an entry thereof in the surveyor's office for the county in which the land lies, accompanied by the commissioner's certificate, and shall then proceed to complete his or her title in like manner, as by the said received act is required.

Provided always, That no person who obtained a certificate for a settlement from the commissioners appointed under the act of last session, shall be entitled to a certificate under this act.

All salt springs, or licks, or banks of ore of any kind, which are or shall be discovered on any of the lands lying south of Green River, not appropriated by military claims, and acres of land a round such salt spring or lick, or bank of ore, shall be, and remain the property of the commonwealth; any thing in this act to the contrary thereof notwithstanding.

Provided, however, That no person shall be entitled to the benefit of this act, who shall be convicted of having in any wife destroyed or obliterated any land mark or corner thereon.

Any act or acts that come within the purview of this act, shall be, and the same is hereby repealed.

This act shall be in force from the passage thereof.

FRANCE.

Gen. Bournonville's address to the army of the Sambre and Meuse.

Brave Comrades.

Gen. Jourdan, who has so often conducted you to victory, is compelled to retire, and to submit to a separation from you: his health, impaired by a series of labor and fatigue, does permit him to continue to exercise his accustomed care of you, and the executive Directory charges me to replace him. I do not doubt, brave comrades, the difficulty of the task assigned me, and I must depend upon your good will to second my endeavors in accepting a command which is to much the more arduous that the two banks of the Rhine are supplied with but weak resources—the first virtue which I shall ask of you is patience; as for valor, you are Frenchmen, and the brave army of the Sambre and Meuse has proved itself to be worthy of the character.

Citizen Alexandre, the commissary of government, who will replace Citizen Robert, is employed in providing means of subsisting, and other necessities that you may require; he is active in every thing, he is busy, day and night, his anxiety is as great as my own, and you must be convinced that we shall spare no pains to procure for you at least what is necessary, as much as circumstances will permit.

You must be sensible, my dear companions, that plunder leads to want, that want of food leads to want of subordinations, and want of subordinations to defeat. Will the brave army of the Sambre and Meuse, suffer the army of the Rhine and Moselle, an ally of Italy, to be covered with glory, while want of discipline renders it incapable of conquering an enemy who has nothing to oppose to it but unavailing effrontery.

Brave comrades, respect the inhabitants of the country beyond the Rhine, and their properties; obey your officers and your generals; we have a desert to pass through till we reach the Meuse; let us cut through it and fly to victory, and in a little time we shall be in want of nothing. But leave to your generals the care of providing for your subsistence; and far be from you, the horrors committed by those who have so taken your lands and abandoned you.

Your brethren the army of the

North, are arrived; they born with zeal to fight with you on all sides, and to share your warlike toils: let the most intimate union reign between you; let there be no other rivalry than that of glory; no other emulation than that of valor; let your redoubled blows beat down your enemies; they are enemies whom you have often beat, continue still to vanquish them, and a glorious peace will soon crown your successes, and assure you of its reward. I have seen the brave army of the Sambre and Meuse, I have seen it with that bold and martial countenance, which characterizes the love of one's country, and the ambition of conquest; I am convinced that there is not left one plunderer under arms, and that the army is purified; let us prepare for new successes, and depend upon it, you will find in me, the same care, the same solicitude, and the same tenderness, that you experienced in Gen. Jourdan, with whom I would wish only to share the labor and the command; but my efforts have been vain, I have not been able to preserve him with you; his health has obliged him to retire. Believe me, his good qualities are deeply imprinted on my heart, and that I shall do every thing in my power, to lessen the regret you must feel for his absence.

The Gen. in chief, gives notice, that he will not accept any resignation, and that he will consider as deserters all those who retire without his permission, and that he will denounce them as such to the country.

(Signed)

BOURNONVILLE, gen. in chief.

FAIR-HAVEN, Oct. 26.

By a gentleman of Nova Scotia, directed from Canada, we are informed, that the French inhabitants at Monrovia, to the number of three or four thousand, armed with clubs, pick-axes, &c. forcibly liberated a number of their countrymen, who were confined on some disgraceful pretence.—This transaction has seriously alarmed the British in that quarter.

The same gentleman adds, that a ship lately sailed from Quebec for England, but returned in a few days, with intelligence, that the river was blocked up by a French fleet. This intelligence caused great consternation, and orders were issued for every man to be ready to take arms at a moment's warning.

PHILADELPHIA, Nov. 25.

POSTSCRIPT.

Yesterday, at a late hour, we received by the ship dispatch, Paris papers to the 14th October inclusive. We have only time to give a short summary of the important contents.

The army of Italy has taken Mantua on the 20th September, and the citadel is blocked up.

A column of the Army of the Rhine and Moselle defeated the Austrians on the 20th September and 1st of October near Buchen, took 2 bands of colors, 6 pieces of artillery and above 5000 prisoners.

A treaty of peace between the King of Naples and the French republic, was signed at Paris on the 11th October. The king cedes the English from the ports and grants great commercial advantages to the republicans.

Mr. Harris now lord Milbrough, as the Paris journals call him, is the person sent to France by the British government and is hourly expected at Paris.

The archduke's army did not undertake any thing from the 17th to the 28th September. Kiebel attacked and defeated the Austrians during that time in several partial engagements. On the 20th the archduke attacked the famous tete de pont near Neuwiller, on the right bank of the Rhine; but was repulsed with great loss. On the 20th September the archduke left the Lower Rhine and the Mein with 15000 men in order to prevent being surrounded by Moreau; he left the command of the remnant of his powerful army to general Werneck.

The official accounts from the army of the Sambre and Meuse do not reach further than the 20th September when the divisions of Hardy, Lefevre and Championet pursued three Austrian columns beyond the river Selz. Bournonville had taken the command in chief of the army, and there was every probability that this army would soon drive the Austrians from the Lahn and the Mein.

Lexington, Dec. 31.

The following changes were made at the last session of the Assembly, in the times of holding Courts in this Commonwealth.

DISTRICT COURTS are to be held at Frankfort, in Franklin, on the first Monday in April, August and December.

At Paris, in Bourbon, on the first Monday in March, July and November.

At Bairdstown, in Nelson, on the first Monday in January, May and September.

At Lexington, in Fayette, on the third Monday in March, July and November.

At Washington, in Mason, on the third Monday in February, June and October.

At Ansville, in Mercer, on the third Monday in April, August and December.

COURTS OF QUARTER SESSIONS are to be held,

Woodford, the first Monday in March, May, July, and November.

Bracken the first Monday in March, May, August and November.

Fayette and Campbell, the second Mondays in March, May, August and November.

Bomb in the third Monday in March, May, August and October.

Scott and Malon, the fourth Monday in March, May, August and November.

Harrison, the first Tuesday in February, April, June and September.

Montgomery, the second Tuesday in February, April, June and September.

Franklin, the third Tuesday in March, May, July and October.

Blake, the fourth Tuesday in February, April, June and September.

COUNTY COURTS, in the respective counties, are to be held on the same days in the other months.

THE KENTUCKY GAZETTE, will in future be published twice a week, (to wit) on Wednesdays and Saturdays;—the paper that will be published on Wednesday next, will be number 285, being the total number from the commencement; and the number from that day, continued in succession.

ATTENTION.

THE Members of the Cincinnati Society, are desired to meet at Lexington, on the first Monday in March, ensuing, at the House of Robert McGowan, in order to form a Society in this State, and to adopt such measures as will enable them to draw from the different States, their respective amounts, to support the wanting part of Society in this State.

Lexington, December 20, 1766.

THE commissioners appointed by county court of Fayette, to perpetuate testimony concerning the boundary and special call of an entry in the name of Richard Mafferson, containing 22,277 and a half acres, on the waters of Elkhorn and Linkhorn including a mulberry tree marked F in a piece, and two hickories with four chops on each to line the said three trees, near the corner thereof, the said trees standing on the hunters trace, leading from Bryan's station over to the waters of Linkhorn, on the dividing ridge between the waters of Linkhorn and the waters of Elkhorn; will meet at the house of Capt. Peter Mome, on the dividing ridge between the waters of Linkhorn and Elkhorn, on the fourth Monday in January 1797 and from thence proceed to the place where the tree marked TE, as above, stood, and to the other special places called for by the said entry, and take depositions concerning the same, and do such other and further thing or things as may be deemed necessary and agreeable to the act entitled "an act to ascertain the boundaries of land and other privileges."

JOHN FOWLER, Assignee of Richard Mafferson.

Lexington Dec. 20, 1766

Taken up by the subscriber, living on Wilson's creek, in Nelson county, a foal mare about thirteen hands high, branded on the near shoulder thus W. supposed to be about eleven years old. has a small blaze in her face, her off hind foot white, appraised to \$1.

CHARLES KENNEDY. The Life of Dr. Franklin for sale at the Office of the Kentucky Gazette.

NOTICE.

THAT on the 17th of January 1797 I shall attend with commissioners appointed by the court of Shelby county on, Thomas Eagley's settlement near the head of Gun's creek, in order to establish said Eagle's claim; and do such other things as may be necessary.

I am intended in lands, that call to adjoin said settlement.

WILLIAM STAFFORD
December 24 1766.

WILLIAM SCOTT,

FULLER,

INFORMS the public, that he intends to take in close for his fulling mill at Mr. McCullough's store in Lexington, the last day of every Fayette county and will deliver the same there when called.

\$4c

December 26, 1766.

STIRLING OR STOLE,

OUT of the stable of George Adams, in Lexington, in the night between the 2d and 3d of this month, a yearling, 1966, a bay mare, about 18 years old, at out fourteen and a half hands high, no brand perceivable, with tail, her mane hangs to the right side, and there is a remarkable curl in the hair of the left side of her neck, a small hair badly perceivable, being up under the hair when she is from between her ears—when close examined there appears a great number of white hairs about her sides where the gr. goes round, which makes that part of the appearance of a red roan, the hair has been rubbed off under where the four single bristles, her legs are black, her hoofs are remarkably round, rough shod, cross very lively, is high fed head, and somewhat head strong, finely formed, is said to be so well with colts, and has some by had one in Fayette county, but she was said to have been conceived in Woodford, I exchanged for her in Frankfort the Monday after the Lexington races, with a general looking man, who appeared to be about 25 years of age, fair hair, no id, had some business on that day at the treasury, I did he lived within seven or eight miles of Lexington, and (th. k towards Bourbon.) his name I have for so; I gave him in exchange for said mare, a stout bay horse, 6 y. a old, 15 hands high, and 50 y. a cash, which horse he presently exchanged for another mare.

Whoever delivers the above mare to GEORGE ADAMS in Lexington, shall have TWENTY DOLLARS reward.

ALEXANDER NELSON.

December 5, 1765.

Taken up by the subscriber, on Muddy creek in Madison county, a chestnut foal mare, three years old, about fourteen hands and an inch high, no mark nor brand perceivable, natural pacer, appraised to \$100.

EDWARD EVANS.

Sept. 2, 1766.

THE SUBSCRIBERS,

HAVE just received and are now opening at store in Lexington, a large and general assortment of

M. R. H. AND LIZ E. HIGH they will sell low for Cash, Hemp, V. wear, Butter, Hog's Lard, Tobacco, Tallow and Tea; all which they will give the highest price for at their Store in Lexington, Cynthiana, L. Waters' Mills at the mouth of Tate's Creek, or any Ware House on the Kentucky river.

MOODY & DOWNING

December 19, 1766.

NOTICE.

HAT a good fuller, that can find well recommended is wanted at my fulling mill, where he will meet with generous wages by me on Hancock creek Bourbon county.

DANIEL HARRISON.

December 31.

The first of September 1796. TAKE notice, all persons, that whereas my wife, Helen, has left her home, I do hereby to warn all persons from trading with her on my account.

JOSEPH HORN

2w

Taken up by the subscriber, living on the waters of Cane Run, four miles from Georgetown, Scott county, a black yearling mare colt, some white on both hind feet a natural pacer, no brands perceivable, appraised to \$100.

JAMES PAT KERRISON.

Taken up by the subscriber, in Woodford county, near Delany's ferry, a young black mare, 2 years old, no white nor brands perceivable, appraised to \$1.

JONAH COMES.

A few copies of the Laws of the United States may be had at this office.

Of the present year's growth, at their stores
Lexington, Danville and Frankfort